THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte TERRY L. PARKER

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Appeal No. 95-3888
Application 08/105,244[1]

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ON BRIEF

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Before URYNOWICZ, KRASS, and BARRETT, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1 through 3, constituting all the claims remaining in the application.

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[1] Application for patent filed August 12, 1993.

The invention pertains to microprocessors configured to reduce electromagnetic emissions in various applications. More particularly, this reduction is achieved by causing the output of the microprocessor driver to be at or near an optimum voltage level for the particular load being driven.

Independent claim 1 is reproduced as follows:

1. Electronic apparatus comprising mechanical mechanism, a microprocessor to control said mechanical mechanism, said microprocessor being on a single substrate and having an output driver on said substrate to apply control signals generated by said microprocessor to an electrical line connected to control said mechanism, said output driver having at least one circuit which is selectable from an electrical signal to said one circuit on an enable line to select a first output voltage level of said output driver when said one circuit is selected and to select a second output voltage level lower in voltage level than said first output voltage level when said one circuit is not selected, said enable line being connected to a signal originating in said electronic apparatus to select only one of said first output voltage level or said second output voltage level during all normal operations of said apparatus.

The examiner relies on the following references:

Pilarcik, Jr.	4,581,725	Apr. 8, 1986
McMahan et al. (McMahan)	5,162,672	Nov. 10, 1992

Claims 1 through 3 stand rejected under 35 U.S.C. § 112 first and second paragraphs as, respectively, relying on a

nonenabling disclosure and being vague and indefinite.[2] Claims 1 through 3 stand further rejected under 35 U.S.C. § 102(e) as being anticipated, with McMahan being applied against claims 1 and 2 and Pilarcik being applied against claims 1 and 3.

Reference is made to the brief and answer for the respective positions of appellant and the examiner.

OPINION

We turn first to the rejection of claims 1 through 3 under 35 U.S.C. § 112, first paragraph, as relying on a nonenabling disclosure.

The examiner contends that a skilled artisan would not be enabled, from the instant specification, and without undue experimentation, to make and use the claimed invention. Specifically, the examiner states that the drawings show blank boxes with little or no disclosure of how each of these means might be constructed.

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[2] We note that the answer never explicitly recites claims 1 through 3 as standing rejected under 35 U.S.C. § 112, second paragraph, but it is clear from the final rejection, from appellant's brief, and from statements in the answer, including the response to appellant's arguments, that this rejection has been applied and is before us on appeal.

We find that the examiner had no reasonable basis for challenging the sufficiency of the disclosure and, accordingly, we will not sustain this rejection. Clearly, from the instant disclosure, the blank boxes of the drawing constitute conventional microprocessors, printing mechanisms and drivers. The examiner contends that the printer must be something more than conventional because the output of conventional printers is the printing on a medium. Therefore, concludes the examiner, it was not conventional for a printing mechanism to provide control signals as disclosed and claimed. We disagree.

Conventional printing mechanisms include microprocessors which, of course, output control signals. More importantly, however, the control signals output by the printing mechanism here are simply signals for choosing the correct driver based on the voltage level needed. It is our view that it is unreasonable for the examiner to hold that skilled artisans would not have been able to cause a control signal from a microprocessor in a printing mechanism to be generated so as to cause the selection of a particular driver based on a required voltage level.

With regard to the examiner's complaint that driver circuits are known to have an input and an output and that the drivers 20a-20c are not shown with such inputs and outputs in the drawing, we cannot agree. Figure 1, for example, clearly shows inputs on lines 22a-22c to, respectively, drivers 20a-20c while the outputs are joined to electrical line 11 on which line the output from the appropriately selected driver is produced.

We now turn to the rejection of claims 1 through 3 under 35 U.S.C. § 112, second paragraph. We also will not sustain this rejection.

In claim 1, the examiner does not understand how an "electronic apparatus" can comprise a "mechanical mechanism." There are many electronic machines that have mechanical components therein such as typewriters, refrigerators, washers and dryers, toasters and microwave ovens, sewing machines, etc. Therefore, it is inconceivable that the examiner would question how an electronic apparatus could comprise a mechanical mechanism. Moreover, the claim's recitation of "comprising" leaves the claim open-ended. Therefore, the

"electronic apparatus" may comprise a "mechanical mechanism" along with other components, including electronic components.

The examiner also contends that the phrase reciting that the enable line is connected to "a signal originating in said electronic apparatus" is vague and confusing because this recitation "provides no understanding as to how the signal is generated" [answer-page 4]. The examiner appears to be confusing the breadth of the claim with vagueness. Appellant is under no obligation to limit the claim to the specifics of how the signal is generated unless necessary to circumvent the prior art. The "signal originating..." is clearly that signal originating from the printing mechanism which enables selection of a first or second output voltage level.

The examiner further questions whether the "electrical signal" and the "signal originating in said electronic apparatus" are intended to be the same. It is clear from the disclosure and the claims that the "electrical signal" is that signal which appears on the enable line which is connected to the "signal originating in said electronic apparatus."

With regard to the examiner's contention that claim 2 is misdescriptive because it recites that "two different

circuits" are "connected in parallel," [answer-page 4], we find nothing misdescriptive as instant Figure 1 clearly shows the circuits "connected in parallel."

We turn, finally, to the prior art rejections.

We will not sustain the rejections of claims 1 through 3 under 35 U.S.C. § 102(e) because it is clear that McMahan does not anticipate the subject matter of claims 1 and 2 and it is clear that Pilarcik does not anticipate the subject matter of claims 1 and 3.

With regard to McMahan, this reference is directed to selecting buffers to match impedances with the different requirements of different transmission lines. It neither has any mechanical mechanism which is controlled nor does it disclose the selection of different drive voltage levels, both of which are requirements of instant claims 1 and 2. Therefore, McMahan cannot anticipate the instant claims subject matter.

The examiner explicitly states that no weight is being given to the claim limitation of a "mechanical mechanism" [answer-page 10]. This, of course, is clear error and cause,

alone, for reversal of the rejection of claims 1 and 2 under 35 U.S.C.
§ 102(e) over McMahan.

With regard to Pilarcik, this reference is concerned with sampling voltage levels in order to select a level of amplification. Again, there appears to be no mechanical mechanism nor a control thereof, as required by claims 1 and 3. Further, there is no selection of a first or second voltage level, as claimed. Element 20 of Pilarcik, identified by the examiner as the "first driver circuit," is a preamplifier and elements 43 and 44, identified by the examiner as the "second driver," are, respectively, an analog switch and a bank of amplifiers. As explained by appellant, at page 8 of the brief, the "drivers as applied in the rejection do not even drive the switch 43, much less drive it at a selectable voltage level as claimed." The examiner states [answer-page 10] that these arguments "are not related to a claimed limitations [sic] and thus are not persuasive." We disagree. The claims are clearly directed to selecting voltage levels for output drivers.

CONCLUSION

We have not sustained either the rejection of claims 1 through 3 under 35 U.S.C. 112, first or second paragraphs, or the rejection of claims 1 through 3 under 35 U.S.C. § 102(e). Accordingly, the decision of the examiner is reversed.

REVERSED

Stanley M. Urynowicz, Jr. Administrative Patent Judge	)	
Errol A. Krass Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
Lee E. Barrett Administrative Patent Judge	)	

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